IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 8453 of 2004

Between:

1 Mrs.Bilquis Begum, w/o Mohammad Alimuddin,
R/o 10-3-68/A/13, New No.451, Humayun Nagar, Mehdipatnam,
Hyderabad-28.
2 Mohammad Alimuddin, s/o Mohd.Rashiduddin,
R/o 10-3-68/A/13, New No.451, Humayun Nagar, Mehdipatnam,
Hyderabad-28.

..... PETITIONER(S)

AND

1 Hyderabad Urban development Authority, rep., by its Vice Chairman,
1-8-323, Paigah Palace, Police Lines, Secunderabad-500 003.
2 Estate Officer, Hyderabad Urban Development authority,
1-8-323, Paigah Palace, Police Lines, Secunderabad-500 003.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction one in the nature of mandamus declaring the action of the respondents in forfeiting the EMD amount vide proceedings No.2537/EMU/NNPR/HUDA/04, dated 27-03-2004, as arbitrary, illegal, contrary to the terms and conditions of allotment and violative of principles of natural justice and issue a consequential direction to the 1st respondent to consider petitioners representations dated 5-3-2004, 23-3-2004 and 15-4-2004

Counsel for the Petitioners: MR.C.V.MOHAN REDDY

Counsel for the Respondents: MR.B.Mahender Reddy, S.C. for H.U.D.A.

The Court, at the admissions stage, made the following :

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ORAL ORDER:

The learned counsel for the petitioners submits that against forfeiting the Earnest Money Deposit, the petitioners may be permitted to avail other remedies open for them for due recovery of the same if law permits.

In view of the submission made by the learned counsel for the petitioners, liberty is granted to the petitioners to avail such remedies as may be available under law for recovery of the Earnest Money Deposit as per the notified terms and conditions laid down in the auction brochure.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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A. GOPAL REDDY, J.)

2nd November, 2004.

Bcj

To

1 The Vice Chairman, Hyderabad Urban development Authority,

1-8-323, Paigah Palace, Police Lines, Secunderabad-500 003

2 The Estate Officer, Hyderabad Urban Development Authority,
1-8-323, Paigah Palace, Police Lines, Secunderabad-500 003.

3 Two C.D copies